

## PURPOSE

The Michigan Department of Health and Human Services (MDHHS) ensures safety and security within state run and private, contracted juvenile justice residential facilities by establishing staffing ratios and the necessary components of effective youth supervision.

Each facility must develop and implement written procedures that govern staffing ratios and supervision of youth and meet the requirements outlined in this policy.

## DEFINITIONS

See JRG, [JJ Residential Glossary](#).

### ***Exigent Circumstances***

Pursuant to Prison Rape Elimination Act (PREA) National Standards, 28 CFR 115.5, exigent circumstances mean any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

### ***Secure Juvenile Facility***

Pursuant to Prison Rape Elimination Act (PREA) National Standards, 28 CFR 115.5, secure juvenile facility means a juvenile facility in which the movements and activities of individual youth may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows youth access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

### ***Security Staff***

Pursuant to Prison Rape Elimination Act (PREA) National Standards, 28 CFR 115.5, security staff means employees primarily responsible for the supervision and control of inmates, detainees, or youth in housing units, recreational areas, dining areas and other program areas of the facility.

## RESPONSIBLE STAFF

Management of direct care staff and direct care staff who supervise youth.

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**STAFF TO YOUTH RATIOS**

Each facility must have a sufficient number of administrative, supervisory, social service, direct care and other staff on duty to provide for the continual needs, protection and supervision of youth.

Only direct care staff that are physically present are included in determining whether the ratio is met.

Youth to staff ratios must be sufficient to ensure the safety of staff, youth, visitors and the public. Staff of the same assigned gender as the youth or the gender the youth identifies with must be available at all times.

***Secure Facilities***

Secure juvenile facilities must maintain the following minimum staff to youth ratios (28 CFR 115.313(c)):

- Direct care staff-to-youth ratio of at least 1:8 during awake hours.
- Direct care staff-to-youth ratio of at least 1:16 during sleeping/bedtime hours.

***Non-Secure Facilities***

Non-secure juvenile facilities must maintain the following minimum staff to youth ratios:

- Direct care staff-to-youth ratio of at least 1:10 during awake hours.
- Direct care staff-to-youth ratio of at least 1:20 during sleeping/bed-time hours.

**Effective Staff Supervision of Youth**

Staff supervision of youth must include the following:

- Remain constantly alert to the facility environment and constantly vigilant to the youth(s)'s activities and needs.

- Remain aware of and responsive to the behavior and special needs of youth being supervised.
- Remain aware of the number and location of all youth under supervision.
- Remain aware of the location of other staff.
- Stay alert for opportunities to support youth and prevent behavioral escalation and crisis.
- Remove any obstructions that impede direct line of sight observations of youth.
- Avoid activities that distract staff attention from youth supervision.
- Structure youths' awake hours with learning activities, opportunities for exercise, and frequent contact with family.
- Perform variable interval, eye-on checks of youth, regardless of the use of video monitoring systems. The time between the variable interval checks must not exceed 15 minutes.
- One direct care staff that is of the same gender as the youth must be available 24 hours per day at the facility to perform services more appropriately carried out by a person of the same gender as the youth.
- Youth may not supervise other youth.
- Volunteers may not supervise youth.
- Opportunities for youth to connect with others through eye contact and meaningful positive interaction with other youth and staff.
- Enabling youth to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. 28 CFR 115.315(d).
- Staff of the opposite gender announcing their presence when entering a youth housing unit. In facilities that do not contain discrete housing units, staff of the opposite gender shall be required to announce their presence when entering an area

where youth are likely to be showering, performing bodily functions or changing clothing. 28 CFR 115.315(d).

## ANNUAL STAFFING PLAN

Pursuant to the Prison Rape Elimination Act, National Standards for Juvenile Facilities, 28 CFR 115.313(a)(1)-(11), the facility director shall ensure that each facility under his or her operational control must develop, implement, and document a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect youth against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the facility director and/or designee(s) must take into consideration:

- Generally accepted juvenile and correctional/secure residential practices.
- Any judicial findings of inadequacy.
- Any findings of inadequacy from Federal investigative agencies.
- Any findings of inadequacy from internal or external oversight bodies.
- All components of the facility's physical plant (including blind spots or areas where staff or youth may be isolated).
- The composition of the youth population.
- The number and placement of supervisory staff.
- Institution programs occurring on a particular shift.
- Any applicable State or local laws, regulations, or standards.
- The prevalence of substantiated and unsubstantiated incidents of sexual abuse.
- Any other relevant factors.

Designated facility staff must use the MDHHS-5833-PREA, Prison Rape Elimination Act (PREA) Staffing Plan.

The facility must comply with the staffing plan except during limited and discrete exigent circumstances and must fully document deviations from the plan during such circumstances. 28 CFR 115.313(b).

The signed and completed documents should be filed in the facility's PREA binder.

Pursuant to the Prison Rape Elimination Act, National Standards for Juvenile Facilities, 28 CFR 115.313(d)(1)-(4), whenever necessary but no less frequently than once each year, for each program the facility operates, in consultation with the facility's PREA compliance manager, the facility shall assess, determine and document whether adjustments are needed to:

- The staffing plan established.
- Prevailing staffing patterns.
- The facility's deployment of video monitoring systems and other monitoring technologies; and
- The resources the facility has available to commit to ensure adherence to the staffing plan.

Designated facility staff must use the MDHHS-5817-PREA, Annual Prison Rape Elimination Act (PREA) Staffing Plan Review, to document the review. Upon approval, the plan should be placed in the facility PREA binder.

## **Unannounced Rounds**

### ***Secure Facilities Only***

Higher level supervisory staff are required to conduct and document unannounced rounds on all shifts to ensure safety and wellbeing of all youth and to identify and deter staff sexual abuse and sexual harassment. 28 CFR 115.313(e). Use the MDHHS-5830-PREA, Prison Rape Elimination Act (PREA) Unannounced Rounds Log, to document the unannounced rounds.

The facility shall have a policy in place that prohibits staff from alerting other staff members that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility.

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**LEGAL BASE****Federal****Prison Rape Elimination Act National Standards, Subpart D- Standards for Juvenile Facilities, 28 CFR 115.313(c).**

Provides the staffing ratios for secure juvenile justice facilities of a minimum of 1:8 during youth waking hours and 1:16 during youth sleeping hours.

**Prison Rape Elimination Act National Standards, Subpart D- Standards for Juvenile Facilities, 28 CFR 115.313(d)(1)-(4).**

Requires facility staff to review, determine and document whether adjustments are needed to the facility's staffing plan, video monitoring systems and other monitoring technologies and the resources the facility has available to commit to ensure adherence to the staffing plan.

**Prison Rape Elimination Act National Standards, Subpart D- Standards for Juvenile Facilities, 28 CFR 115.313(e).**

Requires higher level supervisory staff, from secure facilities, to conduct and document unannounced rounds on all shifts to identify and deter staff sexual abuse and sexual harassment.

**Prison Rape Elimination Act National Standards, Subpart D- Standards for Juvenile Facilities, 28 CFR 115.315(d).**

Requires facility staff to enable youth to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Requires facility staff of the opposite gender to announce their presence when entering a youth housing unit.

**Michigan  
Administrative  
Code****Licensing Rules for Child Caring Institutions, Mich Admin Code, R 400.4126.**

Requires residential facilities to have a sufficient number of staff on duty to perform the functions required by the administrative rules,

the facility's program statement and to provide for the continual needs, protection and supervision of youth.

**Licensing Rules for Child Caring Institutions, Mich Admin Code, R 400.4127.**

Provides the staffing ratio for child caring institutions of a minimum of 1:10 during youth normal awake hours and a minimum of 1:20 during youth normal sleeping hours. Requires the staff to youth ratios shall correspond with the facility's purpose and the needs of the youth and assure continual safety, protection and direct care and supervision of youth. Requires facility staff to conduct variable interval eye-on checks of youth when youth are asleep or outside of direct supervision of staff. The time between the eye-on checks shall not exceed fifteen minutes.

**POLICY CONTACT**

Policy clarification questions may be submitted by facility supervisors or managers to: [Juvenile-Justice-Policy@michigan.gov](mailto:Juvenile-Justice-Policy@michigan.gov).

For additional information on youth to staff ratios please refer to the [PREA Resource Center](#).